UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

MICHAEL W. FAUCETT,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:21-cv-02309-JRS-MG
	)	
W. CARTAGENA,	)	
Y. FLOREZ,	)	
	)	
Defendants.	)	

ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS' MOTION FOR SUMMARY JUDGMENT AND DIRECTING FURTHER PROCEEDINGS

Plaintiff Michael Faucett is an Indiana Department of Correction inmate. He alleges that Defendants Sergeant Flores[1] and Officer Cartagena applied excessively tight shackles to his ankles and left him unattended in a cell for hours at a time, during which time they subjected him to unnecessarily harsh conditions. Dkt. 13 (Screening Order). Defendants have moved for summary judgment. Dkt. 52. For the reasons stated below, that motion is **granted in part and denied in part**.

I.
Summary Judgment Standard

Parties in a civil dispute may move for summary judgment, which is a way of resolving a case short of a trial. *See* Fed. R. Civ. P. 56(a). Summary judgment is appropriate when there is no genuine dispute as to any of the material facts, and the moving party is entitled to judgment as a matter of law. *Id.*; *Pack v. Middlebury Comm. Schs.*, 990 F.3d 1013, 1017 (7th Cir. 2021). A "genuine dispute" exists when a reasonable factfinder could return a verdict for the nonmoving

[1] The proper spelling of this defendant's name is "Flores." The **clerk is directed** to update the docket accordingly.

party. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). "Material facts" are those that might affect the outcome of the suit. *Id.*

When reviewing a motion for summary judgment, the Court views the record and draws all reasonable inferences from it in the light most favorable to the nonmoving party. *Khungar v. Access Cmty. Health Network*, 985 F.3d 565, 572–73 (7th Cir. 2021). It cannot weigh evidence or make credibility determinations on summary judgment because those tasks are left to the fact-finder. *Miller v. Gonzalez*, 761 F.3d 822, 827 (7th Cir. 2014). A court is only required to consider the materials cited by the parties, *see* Fed. R. Civ. P. 56(c)(3); it is not required to "scour every inch of the record" for evidence that is potentially relevant. *Grant v. Trs. of Ind. Univ.*, 870 F.3d 562, 573-74 (7th Cir. 2017).

"[A] party seeking summary judgment always bears the initial responsibility of informing the district court of the basis for its motion, and identifying those portions of 'the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any,' which it believes demonstrate the absence of a genuine issue of material fact." *Celotex Corp. v. Catrett,* 477 U.S. 317, 323 (1986). "[T]he burden on the moving party may be discharged by 'showing'—that is, pointing out to the district court—that there is an absence of evidence to support the nonmoving party's case." *Id*. at 325.

If the responding party contends that a fact is genuinely disputed, the party must cite "to particular parts of materials in the record, including depositions, documents, electronically stored information, affidavits or declarations, stipulations . . . , admissions, interrogatory answers, or other materials." Fed. R. Civ. P. 56(c)(1)(A). The evidence cited "must be in the record or in an appendix to the brief." S.D. Ind. L.R. 56-1(e). "The citation must refer to a page or paragraph number or similarly specify where the relevant information can be found in the supporting evidence." *Id.*

In deciding a summary-judgment motion, the Court assumes that "the facts as claimed and supported by admissible evidence by the movant are admitted without controversy except to the extent" that: (1) the non-movant specifically controverts the facts with admissible evidence; (2) it is shown that the movant's facts are not supported by admissible evidence; or (3) the facts, alone or in conjunction with other admissible evidence, allow the Court to draw reasonable inferences in the non-movant's favor sufficient to preclude summary judgment. S.D. Ind. L.R. 56-1(f)(1). In addition, the Court assumes that the facts that a non-movant asserts are true to the extent properly cited admissible evidence supports them. S.D. Ind. L.R. 56-1(f)(2).[2]

II.
Factual Background

As explained, because Defendants have moved for summary judgment, the Court views the record and draws all reasonable inferences from it in the light most favorable to the nonmoving party—Mr. Faucett. *Khungar*, 985 F.3d at 572–73. In this case, Defendants met their initial summary judgment burden by properly presenting and citing to admissible evidence in support of their factual claims—or pointing out the lack of evidence supporting Mr. Faucett's claims.

The question, then, is whether Mr. Faucett has adequately controverted any of those facts under Local Rule 56-1(f)(1). When Mr. Faucett filed his summary-judgment response, he attached, among other things, a three-page handwritten letter (dkt. 62 at 2–4), a three-page hand-written

[2] In this case, the Court recognizes that Mr. Faucett's complaint was verified, *see* dkt. 1, but he did not cite—or even refer—to it in his summary-judgment response submissions. Accordingly, the Court declines to *sua sponte* consider the verified complaint as evidence for purposes of summary judgment consistent with Local Rule 56-1(h). *See McCurry v. Kenco Logistics Servs., LLC*, 942 F.3d 783, 787 (7th Cir. 2019) (district judges may strictly enforce local summary-judgment rules); dkt 55 (providing Mr. Faucett with copy of Local Rule 56-1); *see also Jones v. Van Lanen*, 27 F.4th 1280, 1285–86 (7th Cir. 2022) (stating that verified pleading may be treated as an affidavit in the context of evaluating a summary judgment motion).

document titled "Discovery"(dkt. 62-1 at 1–3), and a copy of Defendants' summary-judgment brief that included hand-written annotations (*id.* at 24–33). None of the statements Mr. Faucett made in those documents were made under penalty of perjury. Pursuant to Federal Rule of Civil Procedure 56(e)(1), the Court gave Mr. Faucett an opportunity to properly support those statements. Dkt. 79. The Court mailed him copies of the documents and told him that, if he wanted the Court to consider the statements he made in them, he must verify those statements by April 28, 2023. *Id.* The Court warned, "If Plaintiff does not respond by April 28, his response to the motion for summary judgment will be considered to be unsupported except to the extent that it properly cites to other evidence in the record." *Id.* at 2–3. That deadline came and went without Mr. Faucett verifying the statements in question.

Given this background, the Court declines to give him another opportunity to verify the statements in question. *See* Fed. R. Civ. P. 56(e) (addressing court's options when a party fails to properly support an assertion of fact). Thus, the Court considers the statements to the extent that they include argument in response to Defendants' motion, but the Court does not consider any of those statements as facts that could potentially create a genuine dispute of material fact barring the entry of summary judgment. *See McCurry v. Kenco Logistics Servs., LLC*, 942 F.3d 783, 787 (7th Cir. 2019) (district judges may strictly enforce local summary-judgment rules); *see also Pavey v. Conley*, 544 F.3d 739 (7th Cir. 2008).

A. The Parties

At the time of the events at issue in this case, Plaintiff Michael Faucett was incarcerated at Correctional Industrial Facility in Pendleton, Indiana ("CIF"). Faucett Deposition, dkt. 53-1 at 13. Defendant Flores was a sergeant at CIF, and Officer Cartagena was a correctional officer at CIF. Defendants' Statement of Material Facts Not in Dispute, dkt. 54 at 1.

B. Events of July 13, 2021

On July 13, 2021, Mr. Faucett pulled the toilet off the wall in his cell because he was upset and wanted to be transferred to another facility. Dkt. 53-1 at 23–25. After the toilet came off the wall, water started to flood his cell and the entire range. *Id.* A non-party officer turned off the water to Mr. Faucett's cell, and he was left in his cell for almost two hours. *Id.* at 30. At that point, a non-party sergeant moved Mr. Faucett to a holding cell. *Id.* at 31. Mr. Faucett left his original cell and moved to the holding cell willingly. *Id.* at 29. He remained in that holding cell—unrestrained—for more than 90 more minutes. *Id.* at 34–35.

At that point, Sergeant Flores and Officer Cartagena came to the holding cell and told him that they had orders to strip him to his boxers and place him in "trip gear," which he described as consisting of handcuffs, a "black box" that goes over the handcuffs, a waist chain, and ankle shackles. *Id.* at 34–38. Mr. Faucett testified that normally trip gear is only used when an inmate is being moved from one facility to another. *Id.* at 39. With his summary-judgment response, Mr. Faucett submitted "Report of Use of Physical Force" forms indicating that Sergeant Flores requested that restraints be applied and that non-party Captain J. Gilley approved the use of the restraints. Dkt. 62-1 at 10–11.

Mr. Faucett cooperated with Sergeant Flores and Officer Cartagena. Dkt. 53-1 at 39. He did not physically resist or say anything offensive to them. *Id.* at 39–40. He stripped down to his boxers, and Officer Cartagena placed him in the trip gear. *Id.* at 37, 43. Officer Cartagena put the ankle shackles on so tightly that it was impossible to place a finger between the shackles and Mr. Faucett's ankles. *Id.* at 44. Mr. Faucett testified that "you couldn't hardly turn the shackles on my ankles" and that they immediately started rubbing his skin. *Id.* at 43–44. Mr. Faucett testified that, normally, when ankle shackles are put on, the officer puts a finger between the shackle and the

inmate's leg to ensure that they shackles are not too tight. *Id.* at 44. Mr. Faucett immediately complained to Sergeant Flores and Officer Cartagena that the shackles were too tight and were rubbing on his shin bone. *Id.* at 45. He asked them if they could loosen the shackles a bit because "they're extremely tight and they hurt." *Id.* at45–46. They told him to "man up" and that he would be fine because he only had to wear the trip gear for eight hours. *Id.* at 46.

Officer Cartagena then escorted Mr. Faucett to a cell on the disciplinary restricted housing side of his unit. *Id.* at 46. Before Officer Cartagena shut the door, Mr. Faucett then asked him to loosen the shackles, but he was just told to get in his cell. *Id.*

Mr. Faucett ultimately remained in the trip gear for eight-and-a-half hours. *Id.* at 45. Approximately every two hours a non-party sergeant and the extraction team (none of whom are parties) would come to Mr. Faucett's cell, take off the black box and chain, and allow him to rotate his shoulders and wrists for two or three minutes. *Id.* at 48. During the entire eight-and-a-half hours, his ankle shackles were never removed. *Id.* at 68. There was a toilet in his cell, and the non-party sergeant allowed him to use it during his time in the cell. *Id.* at 49–50. He did not urinate or defecate on himself during that time. *Id.* at 50. He was provided with finger food, but he could not eat it because the trip gear prevented him from getting the paper wrapping off the food. *Id.* at 51–52. He asked the staff to open the finger food, but they refused, saying that he would be fine because he would be removed from the trip gear in a few hours *Id.* at 52–53. The non-party sergeant also refused his requests for water. *Id.*

At the end of the eight-and-a-half hours, Mr. Faucett was removed from the trip gear. *Id.* at 60. At that point, he received food, but he was not given any water, and he could not obtain any in his cell because the water was turned off. *Id.* at 61. The water was finally turned back on about 17 hours later. *Id.* at 61.

C. Mr. Faucett's Injuries

Mr. Faucett testified that his ankles were sore because the shackles were so tight. *Id.* at 68. To relieve the discomfort, he would try to wiggle the shackles up his leg a bit, but they were so tight that he ended up with bruising and a five-centimeter cut between his ankle and his shin. *Id.* He also experienced swelling and friction burns on his ankles. *Id.* at 66–67. While he was still in the trip gear, a nurse examined him and placed antiseptic and a bandage on the cut. *Id.* at 65. The next day, Mr. Faucett showed an officer his injuries, and they were photographed. *Id.* at 62. Those photographs are in the record at dkt. 67-1, and the injuries shown in them are not inconsistent with Mr. Faucett's deposition testimony. After his injuries were photographed, a nurse saw him and told him to keep the bandage on the cut. Dkt. 53-1 at 64. She told him that nothing could be done about the bruising and swelling but got him a bag of ice. *Id.* Mr. Faucett testified that his ankles were sore and swollen for about a week to ten days and that his cut healed after 13 days. *Id.* at 69.

III.
Discussion

At screening, the Court allowed Mr. Faucett to proceed with two Eighth Amendment claims under 42 U.S.C. § 1983: (1) conditions-of-confinement claims based on allegations that Sergeant Flores and Officer Cartagena restrained him and left him unattended in a cell for hours at a time, during which time he was unable to use the restroom; and (2) excessive-force claims based on allegations that they placed him in extremely tight restraints that caused friction burns and bruising on his ankles. Dkt. 13 (Screening Order). The Court discusses the two claims separately, below.

A. Conditions of Confinement

Under the Eighth Amendment, "prisoners cannot be confined in inhumane conditions." *Thomas v. Blackard*, 2 F.4th 716, 720 (7th Cir. 2021); *see Farmer v. Brennan*, 511 U.S. 825, 832

(1994)). A conditions-of-confinement claim includes both an objective and subjective component. *Giles v. Godinez*, 914 F.3d 1040, 1051 (7th Cir. 2019). Under the objective component, a prisoner must show that the conditions were objectively serious and created "an excessive risk to his health and safety." *Id.* (cleaned up). Under the subjective component, a prisoner must establish that the Defendants "were subjectively aware of these conditions and refused to take steps to correct them, showing deliberate indifference." *Thomas*, 2 F.4th at 720. Proving the subjective component is a "high hurdle" that "requires something approaching a total unconcern for the prisoner's welfare in the face of serious risks." *Donald v. Wexford Health Sources, Inc.*, 982 F.3d 451, 458 (7th Cir. 2020) (internal quotations omitted). Neither "negligence [n]or even gross negligence is enough[.]" *Lee v. Young*, 533 F.3d 505, 509 (7th Cir. 2008).

Sergeant Flores and Officer Cartagena argue that they are entitled to summary judgment as to Mr. Faucett's conditions-of-confinement claims because there is no evidence that they were subjectively aware of and refused to correct the conditions he faced after Officer Cartagena left him, including being denied food and water. Dkt. 54 at 9. In response to that claim, Mr. Faucett failed to designate any admissible evidence from which a reasonable jury could conclude that Sergeant Flores and Officer Cartagena were deliberately indifferent to the conditions he faced after Officer Cartagena left him.[3] Accordingly, Sergeant Flores and Officer Cartagena's motion for summary judgment is **granted** as to Mr. Faucett's conditions-of-confinement claims.

[3] Mr. Faucett submitted a copy of Defendants' summary-judgment brief with hand-written annotations. One of those annotations reads, "C/O Cartagena and Flores both denied me water to drink and water to flush toilet this is apart of my evidence." Dkt. 62-1 at 32. The Court gave him a chance to verify this statement (and others), and he did not do so. Accordingly, as explained above, the Court does not consider this statement in determining whether Mr. Faucett has designated evidence showing a material issue of fact precluding the entry of summary judgment. Mr. Faucett's general reference to his "evidence" is also insufficient under Local Rule 56-1. As explained, the Court is not obliged to scour the record looking for evidence that Sergeant Flores and Officer Cartagena denied him water.

B. Excessive Force

The Eighth Amendment protects inmates from cruel and unusual punishment, including excessive force by prison officials. *McCottrell v. White*, 933 F.3d 651, 662 (7th Cir. 2019). This rule does not bar de minimis force unless the force is "of a sort repugnant to the conscience of mankind." *Wilkins v. Gaddy*, 559 U.S. 34, 37−38 (2010) (per curiam) (cleaned up). Even if the force applied is not de minimis, it remains permissible if used "in a good-faith effort to maintain or restore discipline." *McCottrell*, 933 F.3d at 664 (cleaned up). But malicious or sadistic force—even if it does not cause a serious injury—is prohibited. *Id.* To distinguish between good-faith and malicious force, courts consider a number of factors, including:

> (1) the need for the application of force; (2) the relationship between the need and the amount of force that was used; (3) the extent of injury inflicted; (4) the extent of the threat to the safety of staff and inmates, as reasonably perceived by the responsible officials on the basis of the facts known to them; and (5) any efforts made to temper the severity of a forceful response.

Id. at 663; *see also Whitley v. Albers*, 475 U.S. 312, 321 (1986). These factors are sometimes referred to as the "*Whitley* factors." Additionally, to survive summary judgment, a plaintiff must present evidence supporting "a reliable inference of wantonness in the infliction of pain." *Whitley*, 475 U.S. at 322.

1. Officer Cartagena

Officer Cartagena has not submitted any evidence of his own but—relying entirely on Mr. Faucett's deposition—contends that Mr. Faucett cannot show that Officer Cartagena "intentionally inflicted excessive or grossly severe punishment." Dkt. 54 at 5–6. The Court disagrees.

Officer Cartagena does not argue that the force used was de minimis, so the Court turns to the *Whitley* factors. The designated record evidence shows the following: Mr. Faucett was cooperative when Officer Cartagena put the trip gear on him; Officer Cartagena put the ankle

shackles on so tightly that a finger would not fit between the shackles and Mr. Faucett's leg, which was contrary to typical practice; Mr. Faucett immediately complained that the shackles were extremely tight, hurt, and were rubbing his shin bone; in response, Officer Cartagena told him to "man up" and that he would only have to wear the trip gear for eight hours; and the shackles were so tight that they caused bruising, swelling, friction burns, and a cut. A reasonable jury could infer from this evidence that Officer Cartagena purposely put the ankle shackles on tighter than necessary and refused to loosen them, even though he knew the shackles were causing Mr. Faucett pain; there was no reason for the shackles to be so tight; and Officer Cartagena knew that Mr. Faucett would be wearing the shackles for an extended period of time. That is, a reasonable jury could conclude that Officer Cartagena did not apply the shackles in a good-faith attempt to maintain or restore discipline but instead inflicted pain wantonly.

Officer Cartagena argues that the force could not have been excessive because Mr. Faucett's injuries were not severe, Mr. Faucett could walk in the shackles, and Mr. Faucett "admitted" that he caused his own bruising by trying to wiggle the shackles. Dkt. 54 at 5–6. A reasonable jury could, however, interpret Mr. Faucett's testimony about the source of his injuries differently. That is, rather than taking Mr. Faucett's testimony as an "admission" that he caused the bruising, a jury could reasonably interpret that testimony as a description of just how tight the shackles were—that is, so tight, that they could not be moved without causing injury. And the fact that Mr. Faucett could walk in the shackles says nothing about how tightly they were applied to his ankles, which is the issue here. Finally, the fact that Mr. Faucett was not seriously injured is not determinative. *Hudson v. McMillian*, 503 U.S. 1, 4 (1992) ("The absence of serious injury is therefore relevant to the Eighth Amendment inquiry, but does not end it.").

In his reply, Officer Cartagena also argues that his failure to loosen Mr. Faucett's shackles did not constitute excessive force because Mr. Faucett "only vaguely reported that the restraints were too tight and 'hurt.'" Dkt. 63 at 3. In support of this argument, he cites *Rooni v. Biser*, 742 F.3d 737, 742–43 (7th Cir. 2014), for the proposition that "an officer does not knowingly inflict unnecessary pain unless the knowledge can be inferred from the nature of the act, or the plaintiff makes multiple, specific complaints informing the officer that the restraints are causing a particular degree of pain." Dkt. 63 at 3. *Rooni* was a Fourth Amendment case decided on qualified immunity grounds. Given that this is an Eighth Amendment case and Defendants have not raised a qualified immunity defense, it is not clear how, if at all, *Rooni* applies. Regardless, in this case, Mr. Faucett testified that he told Officer Cartagena that the ankle shackles were extremely tight and were rubbing against his shin bone, which is a specific complaint. A reasonable jury could also infer that Officer Cartagena knew that the shackles were likely to cause unnecessary pain because he did not place a finger between the shackles and Mr. Faucett's leg, as was the common practice. This evidence is sufficient to allow a jury to conclude that Officer Cartagena knew he was inflicting unnecessary pain on Mr. Faucett.

Ultimately, in deciding whether Officer Cartagena used excessive force, the Court must consider the *Whitley* factors. Officer Cartagena addresses the extent-of-injury factor but makes no argument as to the other factors. Notably absent from his briefing is any explanation of why the trip gear was necessary at all, let alone why the ankle shackles needed to be so tight.[4] Given the

[4] Officer Cartagena states that the trip gear was applied "in response" to Mr. Faucett ripping the toilet out of the wall, dkt. 54 at 5, and that the "undisputed evidence shows that the use of force was necessary to control Plaintiff at the time as he was restrained in response to him vandalizing his prison cell by ripping the toilet off the wall," dkt. 63 at 4. Given Mr. Faucett's testimony that he was under control and cooperative when the trip gear was applied—and had been for more than three hours—it is not undisputed that the trip gear was necessary to control Mr. Faucett. And simply saying that the trip gear was applied in "response" to the vandalism does not speak to why the force was needed or any of the other *Whitley* factors.

absence of any evidence explaining why Officer Cartagena acted as he did, the Court finds that the record evidence is sufficient to allow a reasonable jury to find that Officer Cartagena did not act in a good-faith effort to maintain or restore discipline and instead acted maliciously or sadistically to cause unnecessary pain. *Compare Outlaw v. Newkirk*, 259 F.3d 833, 839 (7th Cir. 2001) (no Eighth Amendment violation where defendant "deliberately and perhaps unnecessarily applied a relatively minor amount of force *to achieve a legitimate security objective*," namely, trying to close a cuffport while plaintiff was either trying to throw garbage through it or holding the garbage through the cuffport while uttering hostile words (emphasis added)); *Keith v. Mason*, No. 1:20-cv-02740-JMS-TAB, 2022 WL 4217368, at *5–6 (S.D. Ind. Sept. 13, 2022) (granting summary judgment on excessive-force claim based on too-tight handcuffs where plaintiff could rotate his hands at least 180 degrees and officers had reason to ensure the handcuffs were secure because plaintiff had repeatedly resisted escorting officers, refused to follow orders, and attempted self harm).

2. Sergeant Flores

Like Officer Cartagena, Sergeant Flores also has not submitted any evidence of his own. Instead, he relies on Mr. Faucett's deposition and contends that he was not personally involved in the alleged excessive force because someone else gave the order to apply the trip gear and he did not personally put the trip gear on Mr. Faucett. Dkt. 54 at 4. He also argues that, even if he was personally involved, Mr. Faucett's excessive force claim fails for the same reasons articulated by Officer Cartagena. *Id.* at 5 n.2.

"[I]ndividual liability under § 1983 . . . requires personal involvement in the alleged constitutional deprivation." *Colbert v. City of Chicago*, 851 F.3d 649, 657 (7th Cir. 2017). An individual cannot be liable in a § 1983 action unless he "caused or participated in an alleged

constitutional deprivation." *Id.* (cleaned up). A plaintiff must demonstrate a causal connection or an affirmative link between the misconduct complained of and the official sued. *Id.* A superior is not personally liable for constitutional violations committed by his subordinates unless the conduct causing the constitutional deprivation "occurs at his direction or with his knowledge and consent." *Gentry v. Duckworth*, 65 F.3d 555, 561 (7th Cir. 1995) (cleaned up). That is, he "must know about the conduct and facilitate it, approve it, condone it, or turn a blind eye." *Id.* (cleaned up).

With his summary-judgment response, Mr. Faucett submitted use-of-force forms showing that Sergeant Flores requested that the trip gear be used. Mr. Faucett's deposition testimony (which the Court is obliged to credit at this stage) also establishes that Sergeant Flores accompanied Officer Cartagena to Mr. Faucett's cell, saw Officer Cartagena put the trip gear on Mr. Faucett, did nothing when Mr. Faucett complained that the ankle shackles were too tight, and instead told Mr. Faucett to "man up" because he would only be restrained for eight hours. A reasonable jury could infer from this evidence that Sergeant Flores was personally involved in the decision to use the trip gear and facilitated, approved, condoned, or turned a blind eye to the fact that Officer Cartagena had put Mr. Faucett in shackles that were too tight. Sergeant Flores is not entitled to summary judgment on personal involvement grounds.

Turning to the merits of the excessive-force claim, Sergeant Flores incorporated Officer Cartagena's argument, and it fails for the same reasons discussed in Section III(B)(1), above. In addition, the record taken in the light most favorable to Mr. Faucett shows that Sergeant Flores played a role in the decision to apply the trip gear in the first place, even though Mr. Faucett was under control and had been for more than three hours when the trip gear was applied.

IV.
Conclusion

For the reasons stated above, Defendants' motion for summary judgment, dkt. [52], is **granted** as to Mr. Faucett's conditions-of-confinement claims and **denied** as to his excessive-force claims. As a result, final judgment will not issue at this time.

Mr. Faucett's excessive-force claims will be resolved by settlement or trial, if necessary. Accordingly, the Court *sua sponte* reconsiders its previous denial of Mr. Faucett's motion for assistance with recruiting counsel, dkt. 69, and **grants** that motion to the extent that the Court will attempt to recruit counsel to represent Mr. Faucett. The Court will inform the parties when the recruitment process is complete.

The Court requests that the **assigned magistrate judge** hold a telephonic status conference once counsel is appointed.

The **clerk is directed** to update the docket to reflect that the proper spelling of the name of the defendant identified as "Y. Florez" is "Y. Flores."

IT IS SO ORDERED.

Date: 08/17/2023

JAMES R. SWEENEY II, JUDGE
United States District Court
Southern District of Indiana

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